

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 JILL SCALLY, State Bar No. 161513
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-1042
Facsimile: (916) 327-2247

7 Attorneys for Complainant

8
9 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D 2005 64262

12 NICOLE LYNN GOAL, AT
13 893 Dragon Shores Dr.
Coldwater, Michigan 49036

ACCUSATION

14 Physical Therapist Assistant
15 License No. AT 6405

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Officer of the Physical Therapy Board of California,
22 Department of Consumer Affairs.

23 2. On or about September 12, 2002, the Physical Therapy Board of California
24 issued Physical Therapist Assistant License No. AT 6405 to Nicole Lynn Goal (Respondent).
25 The Physical Therapist Assistant License was in full force and effect at all times relevant to the
26 charges brought herein and will expire on November 30, 2007, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Physical Therapy Board of

1 California, Department of Consumer Affairs, under the authority of the following laws. All
2 section references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 2609 of the Code states:

4 The board shall issue, suspend, and revoke licenses and approvals to practice
5 physical therapy as provided in this chapter.

6 5. Section 2660 of the Code states:

7 The board may, after the conduct of appropriate proceedings under the
8 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
9 probationary conditions upon any license, certificate, or approval issued under this chapter for
10 unprofessional conduct that includes, but is not limited to, one or any combination of the
11 following causes:

12 (d) Conviction of a crime which substantially relates to the qualifications,
13 functions, or duties of a physical therapist or physical therapy assistant. The
14 record of conviction or a certified copy thereof shall be conclusive evidence of
15 that conviction.

16 * * *

17 (i) Conviction of a violation of any of the provisions of this chapter or of
18 the State Medical Practice Act, or violating, or attempting to violate, directly or
19 indirectly, or assisting in or abetting the violating of, or conspiring to violate any
20 provision or term of this chapter or of the State Medical Practice Act.

21 6. Section 2236 of the Code states:

22 (d) A plea or verdict of guilty or a conviction after a plea of nolo
23 contendere is deemed to be a conviction within the meaning of this section and
24 section 2236.1. The record of conviction shall be conclusive evidence of the fact
25 that the conviction occurred.

26 7. Section 2661.5 of the Code states:

27 (a) In any order issued in resolution of a disciplinary proceeding before
28 the board, the board may request the administrative law judge to direct any

1 licensee found guilty of unprofessional conduct to pay to the board a sum not to
2 exceed the actual and reasonable costs of the investigation and prosecution of the
3 case.

4 (b) The costs to be assessed shall be fixed by the administrative law judge
5 and shall not in any event be increased by the board. When the board does not
6 adopt a proposed decision and remands the case to an administrative law judge,
7 the administrative law judge shall not increase the amount of the assessed costs
8 specified in the proposed decision.

9 (c) When the payment directed in an order for payment of costs is not
10 made by the licensee, the board may enforce the order of payment by bringing an
11 action in any appropriate court. This right of enforcement shall be in addition to
12 any other rights the board may have as to any licensee directed to pay costs.

13 (d) In any judicial action for the recovery of costs, proof of the board's
14 decision shall be conclusive proof of the validity of the order of payment and the
15 terms for payment.

16 (e) (1) Except as provided in paragraph (2), the board shall not renew or
17 reinstate the license or approval of any person who has failed to pay all of the
18 costs ordered under this section.

19 (2) Notwithstanding paragraph (1), the board may, in its discretion,
20 conditionally renew or reinstate for a maximum of one year the license or
21 approval of any person who demonstrates financial hardship and who enters into a
22 formal agreement with the board to reimburse the board within that one year
23 period for those unpaid costs.

24 (f) All costs recovered under this section shall be deposited in the
25 Physical Therapy Fund as a reimbursement in either the fiscal year in which the
26 costs are actually recovered or the previous fiscal year, as the board may direct.

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Conviction of a Misdemeanor)

3 [Bus. & Prof. Code § 2660(d)]

4 8. Respondent is subject to disciplinary action under section 2660(d) of the
5 Code in that on or about July 28, 2005, Respondent was convicted of a misdemeanor petty theft
6 (Penal Code section 484(a)) in the California Superior Court of Kings County. Respondent pled
7 guilty and was sentenced to one day in jail and to pay \$574 in fines and restitution.

8 9. The underlying circumstances of this conviction were that on May 17,
9 2005, Respondent, an employee of Kings Nursing and Rehabilitation Hospital in Hanford, took a
10 debit card from a coworker's purse, which had been stored in the coworker's locker at the
11 facility. Respondent used the card, signing her coworker's signature, to purchase a soda and
12 cigarettes at a gas station near the facility. When questioned by law enforcement, Respondent
13 denied that she had taken the ATM card. Respondent was arrested and transported to the Kings
14 County Jail where she signed a confession for the theft of the card and forgery.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Conviction of a Misdemeanor)

17 [Bus. & Prof. Code §§ 2660(i) and 2236(d)]

18 10. Complainant re-alleges paragraphs 8 and 9 above, and incorporates them
19 by reference herein as if fully set forth at this point.

20 11. Respondent is subject to disciplinary action under sections 2660(i) and
21 2236 of the Code in that she was convicted of misdemeanor petty theft (Penal Code section
22 484(a)).

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist Assistant License No. AT 6405, issued to Nicole Lynn Goal, AT;
2. Ordering Nicole Lynn Goal to pay the Physical Therapy Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 3, 2007

Original Signed By:
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board
Department of Consumer Affairs
State of California, Complainant